

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6618**  
**BILL NUMBER: SB 209**

**NOTE PREPARED:** Dec 29, 2009  
**BILL AMENDED:**

**SUBJECT:** Environmental Issues.

**FIRST AUTHOR:** Sen. Gard  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Electronic Digital Signature Act.* This bill repeals the Electronic Digital Signature Act.

*Definitions.* This bill amends the definition of "owner" for purposes of the underground storage tank (UST) statutes. It replaces the undefined term "sanitary landfill" with "solid waste landfill". For purposes of wastewater management statutes, the bill replaces the term "wastewater" with "septage".

*Deadlines for Action by Department of Environmental Management (IDEM).* This bill establishes deadlines for action by IDEM on various permit applications with respect to certain solid waste processing facilities.

*Drinking Water/Waste Water Operator Certification.* The bill expands the grounds on which the commissioner of IDEM may suspend or revoke a drinking water or wastewater operator certification. It provides that wastewater management statutes apply to land application of septage.

*Remediation of Environmental Contamination.* For the purpose of determining liability of certain owners and operators to the state for remediation of environmental contamination under certain circumstances, the bill applies exemptions to the same extent the exemptions apply under federal law for certain lenders that hold indicia of ownership but do not participate in management.

*Environmental Restrictive Ordinance (ERO).* The bill provides that an ERO is an ordinance adopted by a municipal corporation that seeks to control the use of groundwater in a manner and to a degree that protects the groundwater against unacceptable exposure to a release of hazardous substances, petroleum, or both. It requires IDEM to give written notice to a municipal corporation that IDEM is relying on an ERO adopted

by the municipal corporation as part of a risk-based remediation proposal. The bill requires a municipal corporation to notify IDEM of adoption, repeal, or amendment of an ERO only if the municipal corporation received that written notice.

**Effective Date:** Upon passage; July 1, 2010.

**Explanation of State Expenditures:** *Electronic Digital Signature Act.* Repealing the act would not prohibit the use of an electronic digital signature. The repealed provision requires the State Board of Accounts (SBA) to administer a method used by the state to conduct authenticated electronic transactions using digital signatures. The SBA has adopted rules, as required, to implement the use of electronic digital signatures.

*Environmental Restrictive Ordinance.* The bill requires IDEM to give written notice to a municipal corporation that IDEM is relying on an ERO adopted by the municipal corporation as part of a risk-based remediation proposal. This requirement is within IDEM's routine administrative functions and should be able to be implemented with no additional appropriations.

*Drinking Water/Waste Water Operator Certification.* The bill allows suspension or revocation of a drinking water or wastewater operator certification if another state has decertified or taken similar action against the operator. This provision could result in a reduction in expenses associated with IDEM's having to document a case for suspension or revocation of a certification.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Environmental Restrictive Ordinance.* The bill requires a municipal corporation to notify IDEM of adoption, repeal, or amendment of an ERO only if the municipal corporation received that written notice. The impact of this provision on local expenses is not expected to be significant.

**Explanation of Local Revenues:**

**State Agencies Affected:** IDEM.

**Local Agencies Affected:** Units responsible for water treatment plants and water distribution systems; Municipal corporations.

**Information Sources:**

**Fiscal Analyst:** Bernadette Bartlett, 317-232-9586.